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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,643	10/04/2006	Markus Gimbel	21334-1616 (41267US)	2122
29450 7590 06/15/2009				
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EXAMINER				
VU, HIEUN D				
ART UNIT		PAPER NUMBER		
2839				
NOTIFICATION DATE		DELIVERY MODE		
06/15/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/599,643

Applicant(s)

GIMBEL ET AL.

Examiner

Hien D. Vu

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34, 39-42, 45, 46 and 48-51 is/are pending in the application.
- 4a) Of the above claim(s) 35-38, 43, 44 and 47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34, 39-42, 45, 46 and 48 is/are rejected.
- 7) ☒ Claim(s) 49-51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The drawings of Figs. 7-16 are objected to under 37 CFR 1.83(a). The drawings of Figs. 7-16 must show every feature of the invention specified in the claims. Therefore, the features of claim 42 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Corrected drawing sheets in compliance with 37 CFR 1.121 (d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121 (d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The amendment filed 3/04/09 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added

material which is not supported by the original disclosure is as follows: The newly features "partition seal", "bearing sealing member" and "passageway sealing member" in the replace paragraph [0004], [0006], [0007], [0009], [0010], [0011], [0018] and [0019] were not originally disclosed in the specification and they are considered new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 34, 39-42, 45, 46 and 48-51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added features "partition seal", "bearing sealing member arranged in the connection region" in claims 34 and 45; "passageway sealing member" in claims 40 and 42 are all confusing and unclear since such features were not originally disclosed in the specification and they are considered new matter. Also claim 42 features are unclear because they are not shown in the drawings of Figs. 7-16. Fig. 10 shows the sealing projection 198 engaged the partition wall 37. Applicant is required to cancel the new matter in the reply to this Office Action.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 34, 39-42, 45, 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable Okura et al (6183275).

Insofar as the claims can be understood, as to claim 34, Okura, Figs. 1-5 show a plug connection, comprising: a first plug 20 having a seal 27; a second plug 10 configured for fitting in an opening H in a partition wall P, the second plug being mateable with the first plug such that the seal substantially surrounds the opening in the partition wall when the first and second plugs are mated; and a clamping device 24, 23, 31 provided on the first plug that is configured for drawing the first plug into engagement with the second plug, the clamping device engaging with the second plug at a connection region where the cover 23, 24 engaged with the hood member 13, the connection region being provided with a sealing member 16 configured to seal the connection region between the clamping device and the second plug. Any different from Okura would have been obvious of modification since such changes solve no stated problem.

As to claim 39, Okura shows the clamping device is a sliding device including at least one guide rail 33 that engages with a projection 19 formed on the second plug.

As to claim 40, Okura shows the projection extends through an opening 33A in the sliding device into engagement with the guide rail, an outer periphery of the opening being provided with the sealing member 16. Any different from Okura would have been obvious of modification since such changes solve no stated problem.

As to claim 41, Okura shows the clamping device is slideable in a direction substantially transverse to a direction of engagement of the first and second plugs when the arm 31 rotates.

As to claim 42, Okura shows the second plug is provided with a sealing projection 14 configured for engagement with the sealing member 16. Any different from Okura would have been obvious of modification since such changes solve no stated problem.

As to claim 45, Okura shows the sealing member 16 is an O-ring. Any different from Okura would have been obvious of modification since such changes solve no stated problem.

As to claim 48, Okura shows the second plug includes a resilient catch arm 18 configured for engagement with the opening. To form the sealing member to be a spray-on seal would have been obvious to one with skill in the art since such change is old and well known in the art to achieve the predictable results of easy installation.

7. Applicant's arguments with respect to claims 34, 39-42, 45, 46 and 48 have been considered but are moot in view of the new ground(s) of rejection.

8. Claims 49-51 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.

9. Any inquiry concerning this communication should be directed to Hien D. Vu at telephone number 571-272-2016.

/Hien D. Vu/

Primary Examiner, Art Unit 2839

